



IFW

Docket No.: 1152-0316PUS1  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Nobuhiko FUNATO

Application No.: 10/522,748

Confirmation No.: 9305

Filed: January 28, 2005

Art Unit: 2616

For: DATA COMMUNICATION APPARATUS,  
INTERMITTENT COMMUNICATION  
METHOD THEREFOR, PROGRAM  
DESCRIBING THE METHOD AND  
RECORDING MEDIUM FOR RECORDING  
THE PROGRAM

Examiner: W. Chin

**LETTER**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


Sir:

Subsequent to the filing of the above-identified application on January 28, 2005, attached hereto is an English translation of the International Preliminary Examination Report (Form PCT/IPEA/409) that should be made of record in the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: April 12, 2006

Respectfully submitted,

By  (reg. #40,419)  
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Attachment(s)

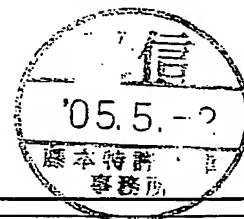
From the INTERNATIONAL BUREAU

**PCT**

**NOTIFICATION OF TRANSMITTAL  
OF COPIES OF TRANSLATION  
OF THE INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT  
(PCT Rule 72.2)**

To:

FUJIMOTO, Eisuke  
c/o Fujimoto Patent & Law Office, Room 317, Sanno Grand  
Building 3F.  
14-2, Nagata-cho 2-chome  
Chiyoda-ku, Tokyo 100-0014  
JAPON



Date of mailing ( <i>day/month/year</i> ) 21 April 2005 (21.04.2005)	<b>IMPORTANT NOTIFICATION</b>
Applicant's or agent's file reference FWA3-13	
International application No. PCT/JP2003/009689	International filing date ( <i>day/month/year</i> ) 30 July 2003 (30.07.2003)
Applicant SHARP KABUSHIKI KAISHA et al	

**1. Transmittal of the translation to the applicant.**

The International Bureau transmits herewith a copy of the English translation made by the International Bureau of the international preliminary examination report established by the International Preliminary Examining Authority.

**2. Transmittal of the copy of the translation to the elected Offices.**

The International Bureau notifies the applicant that copies of that translation have been transmitted to the following elected Offices requiring such translation:

AZ, CA, CH, CN, CO, EP, GH, KG, KP, KR, MK, MZ, RO, RU, TM

The following elected Offices, having waived the requirement for such a transmittal at this time, will receive copies of that translation from the International Bureau only upon their request:

AE, AG, AL, AM, AP, AT, AU, BA, BB, BG, BR, BY, BZ, CR, CU, CZ, DE, DK, DM, DZ, EA, EC, EE, ES, FI, GB, GD, GE, GM, HR, HU, ID, IL, IN, IS, JP, KE, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MN, MW, MX, NI, NO, NZ, OA, OM, PG, PH, PL, PT, SC, SD, SE, SG, SK, SL, SY, TJ, TN, TR, TT, TZ, UA, UG, US, UZ, VC, VN, YU, ZA, ZM, ZW

**3. Reminder regarding translation into (one of) the official language(s) of the elected Office(s).**

The applicant is reminded that, where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report.

It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned (Rule 74.1). See Volume II of the PCT Applicant's Guide for further details.

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Masashi Honda

Facsimile No.+41 22 740 14 35

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Translation

PATENT COOPERATION TREATY

PCT/JP2003/009689



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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference FWA3-13	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/JP2003/009689	International filing date (day/month/year) 30 July 2003 (30.07.2003)	Priority date (day/month/year) 31 July 2002 (31.07.2002)
International Patent Classification (IPC) or national classification and IPC H04B 7/26, H04L 29/02		
Applicant SHARP KABUSHIKI KAISHA		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 4 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (sent to the applicant and to the International Bureau) a total of 1 sheets, as follows:

☒ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☐ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☒ Box No. VIII Certain observations on the international application

Date of submission of the demand 09 January 2004 (09.01.2004)	Date of completion of this report 19 October 2004 (19.10.2004)
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2003/009689

## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
- ☐ publication of the international application (under Rule 12.4)
- ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages \_\_\_\_\_ 1-39 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages \_\_\_\_\_ 1-44 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ 45 \_\_\_\_\_ received by this Authority on \_\_\_\_\_ 09 January 2004 (09.01.2004)
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- pages \_\_\_\_\_ 1-14 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 03/09689

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	1-45	YES
	Claims		NO
Inventive step (IS)	Claims	1-45	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-45	YES
	Claims		NO

### 2. Citations and explanations

- Document 1: JP 9-46390 A (Matsushita Electric Ind. Co., Ltd.), 14 February 1997, entire text, all drawings
- Document 2: JP 2001-223716 A (Matsushita Electric Ind. Co., Ltd.), 17 August 2001, abstract and claims 1 and 21
- Document 3: JP 2001-268080 A (Sony Corp.), 28 September 2001, entire text, all drawings

#### Claims 1-45

An intermittent communication method wherein a schedule is created on the basis of the data characteristics of the data in order to prevent buffer memory overflows and buffer memory underflows from occurring is not disclosed in any of the documents that are cited in the international search report, and is not obvious to a person skilled in the art.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP 03/09689

## VIII. Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

The disclosures "data characteristics of the data" and "quality control information" in claims 1, 17, 23 and 25-28 can have a plurality of meanings, and the scope of these disclosures is unclear in the light of the disclosures of the description.

Consequently, it is unclear whether the scope of these disclosures includes the "packet classifications" that are disclosed in document 2 (paragraph [0036]) cited in the international search report.